

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DALE WILLIAM GILLEY, JR.,	)	
AIS No. 182280,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:22-CV-347-WHA-CSC
	)	
LEIGH GWATHNEY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On September 23, 2022, the Magistrate Judge filed a Recommendation. Doc. 14. Both Plaintiff and Defendants have filed objections to the Recommendation. Docs. 17, 19. Based upon a *de novo* review of the record, *see* 28 U.S.C. § 636, it is ORDERED as follows:

1. The parties' objections (Docs. 17, 19) regarding claims for damages against the Defendants are OVERRULED as moot.
2. Plaintiff's remaining objection (Doc. 17 at 3–4) is OVERRULED.
3. Defendants' remaining objection (Doc. 19 at 2) is OVERRULED; in accordance with further orders of the Court, however, Defendants may make arguments and submit evidence in their defense within the confines of the Federal Rules of Evidence.
4. The Recommendation of the Magistrate (Doc. 14) is MODIFIED in part to reflect that (1) all claims for damages against Defendants Gwathney, Littleton, and Spurlock are DISMISSED as moot and (2) this case is referred to the Magistrate Judge for

further proceedings on Plaintiff's claim for injunctive relief alleging a retaliatory denial of parole.

5. Plaintiff's 42 U.S.C. § 1983 claims against Attorney General Steven Marshall are DISMISSED without prejudice under 28 U.S.C. § 1915A(b)(1).

6. Defendant Marshall is TERMINATED as a party to this action prior to service of process.

The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure as to Defendant Marshall.

This case is not closed and is referred to the United States Magistrate Judge for further proceedings regarding Plaintiff's claim for injunctive relief against Defendants Gwathney, Littleton, and Spurlock.

DONE, on this the 28th day of November, 2022.

/s/ R. Austin Huffaker, Jr.  
R. AUSTIN HUFFAKER, JR.  
UNITED STATES DISTRICT JUDGE